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ABSTRACT

Provided is an information manual designed to help state education agency personnel analyze and understand the elements and minimum requirements of local education agency (LEA) applications according to proposed federal legislation for Public Law 94-142 (Education for All Handicapped Children Act). Section I outlines elements and requirements of LEA application for such areas as child identification, parent involvement, individualized education programs, and procedural safeguards. Contained in Section II are sample forms from draft LEA application manuals developed by the Washington, Indiana, Louisiana, Missouri, and South Carolina State Departments of Education. (SBH)

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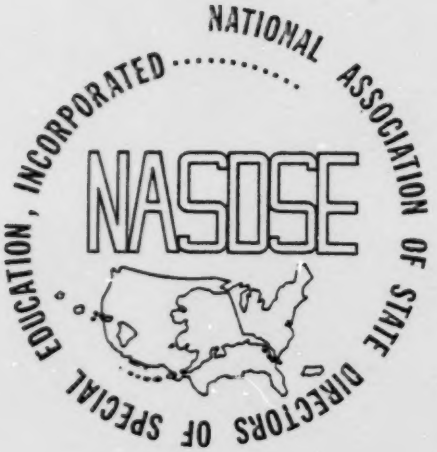
AN ANALYSIS OF REQUIREMENTS FOR AN LEA APPLICATION



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PREFACE

This is an information manual to help state education agency personnel analyze and understand the elements and minimum requirements of local education agency applications according to proposed Federal regulations (Sections 121a.100-117) for P.L. 94-142.

The manual is designed to emphasize the distinction in regulations between an assurance and a description of policies and procedures as called for by the regulations.

The manual is intended to be primarily instructional in the minimum requirements of the LEA application. States that have already designed their application forms might use the manual as a critique instrument. States that have not yet designed their LEA application form might use the manual as a reference to minimum requirements. It should be remembered that this is not a model form, and it does not encompass all that any SEA may ask for in its application form.

Ideas for the structure of this manual, and samples provided in the appendix section, were derived from draft LEA application manuals developed by the Washington, Indiana, Louisiana, Missouri and South Carolina State Departments of Education. We gratefully acknowledge their contributions and leadership in this endeavor.

We wish to acknowledge our appreciation to Bill Coviello, Vira Froelinger, and Helene Tenner, Maryland Department of Education, for their cooperation and assistance in reviewing and critiquing this document.

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INTRODUCTION

It is important that a clear distinction be drawn between what is required as an assurance and what is required when regulations call for a description (of policy and/or procedures).

An assurance is "...a statement or indication that inspires confidence" (Webster's dictionary). Though the word "promise" is not used as a synonym, an assurance is a strong statement of intent from one agent to another. An assurance can take at least two possible forms:

1) a statement written by the LEA which must be found acceptable by the SEA, or
2) a statement written by the SEA (model "boilerplate" list) which is then certified by superintendent's signature

'Description' Requirements

When the regulation calls for a description, this should contain a narrative discussion summarizing plans and/or procedures and/or activities and may reference specific portions of existing documents which address the particular topics.

Alternative methods of meeting requirements:

1) LEA may provide verbatim description of policies, procedures, guidelines, regulations, standards or practices in operation in the district, or, data on forms provided (see Samples provided in Appendix)
2) LEA may reference, when applicable:

    a) state law, or
    b) state plan, or
    c) state education codes, or
    d) LEA board policy

I. Elements of LEA Application

LEA Application Contents/Regulations Citation	LEA Application Requirements: Assurance or Description?
121a.100 Child Identification Include procedures which insure that all children residing within the jurisdiction of the LEA who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not receiving such services.	Provide a description of child find procedures, include a description of the method used by the district to determine which children are currently receiving special education and related services and which children are not receiving such services.
121a.101 Confidentiality of Personally Identifiable Information Include policies and procedures which insure the confidentiality of personally identifiable information.	Describe policies and procedures in use in LEA.
121a.102 Full Educational Opportunity Goal; Timetable a) Include a goal of providing full educational opportunity to all handicapped children, and b) Include a detailed timetable for accomplishing the goal.	Provide LEA policy statement, and timetable for achieving goal (see Sample Form #1, Missouri Timetable)
121a.103 Facilities, Personnel and Services Provide a description of the kind and number of facilities, personnel, and services necessary to meet the goal in 121a.102.	Provide projection data on facilities, personnel, services needed to meet full educational opportunity goal (see Sample Form #2)
121a.104 Personnel Development Include procedures for the implementation and use of the comprehensive system of personnel development established by the SEA.	Each LEA must show how it is involved in the comprehensive personnel development plan described in the SEA annual program plan (see Sample Form #3, Washington State)

LEA Application Contents/Regulations Citation	LEA Application Requirements: Assurance or Description?
121a.105 Priorities	
Include priorities which meet the requirements of serving priority 1 and priority 2 children.	Assurance (see Sample #4)
121a.106 Parent Involvement	
Include procedures to insure that the LEA makes provision for participation of and consultation with parents or guardians of handicapped children.	Description of how parents are involved in special education at LEA level; e.g., IEPs, parent advisory boards, etc. (see Sample #5, Washington)
121a.107 Participation in Regular Education Programs	
a) Include procedures to insure that to the maximum extent practicable the LEA provides special services to enable handicapped children to participate in regular educational programs.	Describe how handicapped children are involved with non-handicapped children in the educational program.
1) The types of alternative placements that are available for handicapped children, and 2) The number of handicapped children within each disability category who are served in each type of placement.	Describe types of alternative placements (special class, regular class with resource room, home instruction, etc.) Provide numbers (by disability category) served in each placement described above (see Sample form #6)
121a.108 Public Control of Funds	
Provide assurance satisfactory to the SEA that control of funds provided under Part B of the Act and title to property acquired with those funds, is in a public agency for the uses and purposes under this part, and that a public agency administers the funds and property.	Assurance (see Sample #7)
121a.109 Excess Cost and Nonsupplanting	
Provide assurance satisfactory to the SEA that the LEA uses funds provided under Part B of the Act:	Assurance (see Sample #8)
a) Only for the excess costs of special education and related services for handicapped children, and	

LEA Application Contents/Regulations Citation	LEA Application Requirements: Assurance or Description?
b) To supplement and, to the extent practicable, increase the level of State and local funds expended for the education of handicapped children, and in no case to supplant those State and local funds.	
121a.110 Comparable Services	
Provide assurance satisfactory to the SEA that State and local funds are used in the jurisdiction of the LEA to provide services in program areas which, taken, as a whole, are at least comparable to services being provided in areas of the LEA which are not receiving funds under this part.	Assurance (see Sample #9)
121a.111 Information--Reports	
Provide that the LEA furnishes information (which, in the case of reports relating to performance, is in accordance with specific performance criteria developed by the LEA and related to program objectives) as may be necessary to enable the SEA to perform its duties under this part, including information relating to the educational achievement of handicapped children participating in the LEA's programs for handicapped children.	Assurance (see Sample #10)
121a.112 Records	
Provide that the LEA keeps such records, and affords access to those records, as the SEA may find necessary to insure the correctness and verification of the information that the LEA furnishes under 121a.111.	Assurance (see Sample #11)
121a.113 Public Participation	
a) Include procedures for making the application and all documents related to the application available to parents and the general public, and	Describe procedures such as: newspaper announcements, public hearings, parent notices, advisory councils, etc.

LEA Application Contents/Regulations Citation	LEA Application Requirements: Assurance or Description?
b) Provide that all evaluations and reports required under 121a.111 are public information.	Assurance
121a.114 Individualized Education Program	
Include procedures to assure that the LEA complies with the procedural and content requirements of IEPs.	Describe complete procedures, or, reference that procedures followed are in accordance with state regulations (or policies) (see Sample Form #12)
121a.115 Local Policies Consistent with Statute.	
Provide assurance satisfactory to the SEA that all policies and programs which the LEA establishes and administers are consistent with the approved state plan.	Assurance (see Sample Form #13)
121a.116 Procedural Safeguards	
Provide assurance satisfactory to the SEA that the LEA has procedural safeguards which meet the requirements of due process procedures for parents and children as described in proposed regulations.	Assurance to satisfy SEA
121a.117 Use of Part B Funds	
Describe how the LEA will use the funds under Part B of the Act during the next school year.	Show how dollars will be spent. Actual budget is not required. (see Sample Form #14)

II. SAMPLES

(Missouri)

FULL EDUCATIONAL OPPORTUNITY GOAL TIMETABLE

Show percent (%) to be served in each school year. For the cells which ask for full services year, estimate the year you expect to reach full services.

Handicapping Conditions	A. Age 5			B. Ages 6 thru 17		C. Ages 18 thru 20				
	Sch. Year 1977-78 Percent	Sch. Year 1978-79 Percent	Est. Year of Full Services	Sch. Year 1977-78 Percent	Sch. Year 1978-79 Percent	Sch. Year 1977-78 Percent	Sch. Year 1978-79 Percent	Sch. Year 1979-80 Percent	Sch. Year 1980-81 Percent	Est. Year of Full Services
a. Mentally Retarded										
b. Hard of Hearing										
c. Deaf										
d. Speech Impaired										
e. Visually Handicapped										
f. Behavior Disorders										
g. Orthopedically Impaired										
h. Health Impaired										
i. Specific Learning Disability										

Ages 3 thru 4 – Estimate the year full services are expected to be reached.
School Year–Non-Categorical 19 _____

Ages birth thru 2 – Estimate the year full services are expected to be reached.
School Year–Non-Categorical 19 _____

Date _____

District _____

NOTE: States that serve children in the 3-5 age group would request similar data for the listed categories.

Code: _____ (COUNTY) _____ (DISTRICT)

Form #1

Sample Form #2

LEA Personnel Summary of Personnel Needed During the _____ School Year for Services of the 0 to 21 Age Population

Personnel	Total Personnel	Mentally Retarded	Hard of Hearing	Deaf	Speech Impaired	Visually Handicapped	Behavior Disorders	Orthopedically Impaired	Health Impaired	Specific Learning Disabilities
1. Special Class Teachers										
2. Resource Room Teachers										
3. Itinerant/Consulting Teachers										
4. Psychologists										
5. School Social Workers										
6. Occupational Therapists										
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Teacher Aides										
10. Vocational Education Teachers										
11. Work-Study Coordinators										
12. Physical Education Teachers										
13. Recreation Therapists										
14. Diagnostic Staff										
15. Supervisors										
16. Other Non-Instructional Staff										
17. Total Personnel										

District _____

Code: _____ (COUNTY) _____ (DISTRICT)

Date _____

Note: Similar form for facilities and services may need to be devised by SEA or LEA.

121a. 104. Personnel Development

All special education teachers in the district have completed an approved special education degree program and are certified teachers. This is the highest certification currently possible in the State of Washington.

Each teacher is entitled to 2 in-service training days each year but must request these days in writing, specifying skills to be developed. Visitation to other programs is encouraged and the district collaborates with other LEA's to invite SPI, CEC and University-based programs to meet teacher training needs, as documented thru an annual survey of teacher skills and training needs. The salary schedule is designed to encourage continuing education programs. It is also required that teachers obtain 3 quarters of professional training or graduate credits every 3 years or their employment will be terminated. This provision was mandated in the teachers collective bargaining agreement of January 1977. In addition, each self-contained classroom teacher is provided an additional $300 on an annual basis.

The school district is prepared to coordinate all its inservice training programs with the comprehensive state system of personnel development as required under section 121A2660 - Section 121A2860.

In addition, the XYZ School District will be an active partner in the Washington State Special Education Cooperative Manpower Plan and will actively participate in the major components of the program including:

1. Structure
2. Data needs
3. Evaluation and modification
4. Training standards and guidelines
5. Information dissemination
6. Coordination and liaison

Specifically the XYZ School District will participate in the following activities within each component:

1. Structure
   A. Provide OSPI with information and advice on an organizational design.
2. Data Needs
   A. Provide OSPI with a list of all personnel in the school district serving the handicapped.
   B. Provide training needs assessment data to OSPI
   C. Assist in the development of a registry of field and practice sites.
3. Evaluation and moditication.
   A. Respond to all data requests from the Cooperative Manpower Planning Committee.
4. Training standards and guidelines
   A. Provide data on district training needs
   B. Provide a list of available practice sights and supervisory personnel to the committee
5. Information/Dissemination
   A. Receive and act where appropriate on all communications from the Cooperative Manpower Planning Committee.
6. Coordination and Liaison
   A. Provide mobility information and personnel needs to the committee.
   B. Provide OSPI annually with a list of all available positions.

The XYZ District will facilitate the attendance of district personnel at appropriate training programs sponsored by recognized agencies.

Sample Form #4

121a.105 Priorities

All handicapped children of common school age (5-17) are currently being served by the XYZ School District. Any child of common school age located by Child Find, or any other method will be provided with appropriate educational opportunities. Assurance is hereby given that all handicapped children, 5-17 are currently being served.

P.L. 94-142 funds will be used to serve second priority children; that is, those children who are not receiving all of the services designated in each child's IEP.

Sample Form #5

121a.106 Parent Involvement

The XYZ School District insures that the following will be the minimum involvement of parents of the handicapped: (1) parental involvement in development of each child's IEP, and (2) at least two individual conferences per year with the child's primary teacher. Additionally, the XYZ School District provides each parent with the opportunity to meet with supervisory personnel at any time. Appointments outside of the typical 8-5 day are optional for all parents. Formal parent group meetings are sponsored by various classroom teachers and data is available on the frequency and type of all teacher-parent contacts. All general records of the school district (budget, plans, etc.) are available to their parents and all school records on individual children are available to their parents.

Sample Form #6

LEAST RESTRICTIVE ENVIRONMENT

District _____

Code: _____ COUNTY _____ DISTRICT

Date _____

Placement and Number of Handicapped Children in Each Setting for School Year 1976-77*

	TOTAL Receiving Special Education in Regular Class**			TOTAL Needing Placement in Regular Class			TOTAL Receiving Special Education in Separate Class			TOTAL Needing Placement in Separate Class			TOTAL Receiving Special Education in Separate School Facilities			TOTAL Needing Placement in Separate School Facilities			TOTAL Receiving Special Education in Other Educational Environments			TOTAL Needing Placement in Other Educational Environments		
DISABILITY	3 thru 5	6 thru 17	18 thru 20	3 thru 5	6 thru 17	18 thru 20	3 thru 5	6 thru 17	18 thru 20	3 thru 5	6 thru 17	18 thru 20	3 thru 5	6 thru 17	18 thru 20	3 thru 5	6 thru 17	18 thru 20	3 thru 5	6 thru 17	18 thru 20	3 thru 5	6 thru 17	18 thru 20
Mental Retardation																								
Hard of Hearing																								
Deaf																								
Speech Impaired																								
Visually Handicapped																								
Behavior Disorders																								
Orthopedically Impaired																								
Health Impaired																								
Specific Learning Disability																								
TOTAL																								

* Placement refers to the primary placement of the handicapped child as determined by the Individualized Education Program.

** Includes itinerant and resource room services.

121a.108 Public Control of Funds

The XYZ School District, a public agency, hereby certifies that the representation made in this report properly reflects the projected pupils, personnel, and expenditures to be incurred in the operation of the special education program for handicapped pupils conducted within this school district; that the expenditures for services and goods will be made exclusively for the benefit of pupils which meet the definitions and eligibility criteria published in the Rules and Regulations for the Washington State Special Education Program for Children with Handicapping Conditions, as adopted July 27, 1973 and amended September 24, 1976; that the expenditures will not be reimbursed from any other sources; and that personnel assignments and other documentation of expenses will be readily available for audit. The XYZ School District also certifies that control of all funds received under Part B of this Act and any equipment acquired with those funds will be administered by the school district in accordance with the provisions of this act.

Sample Form #8

121a.109 Excess Cost and Nonsupplanting

The XYZ School District hereby certifies that the funds received under Part B of the Act will be used solely for excess costs for special education for handicapped children and in no way will be used to supplant any special education costs from other sources including state and local funds.

Sample Form #9

121a.110 Comparable Services

The XYZ School District is in compliance with WAC 392-171-097 in that all special education classrooms, materials and programs are of comparable quality with other programs in the district.

Sample Form #10

121a.111 Information Reports

The XYZ School District has records containing information related to handicapping conditions, program placement and goals and objectives. Data are kept on goals and objectives, and achievement of handicapped children; these records are available to authorized OSPI officials or their designees for the purpose of compliance under this act (WAC 392-171-225) and is in total compliance with WAC 392-171.

Sample Form #11

121a.112 Records

The XYZ School District will furnish all records to SEA or its designee as necessary for SEA to perform its duties under this part. The XYZ School District also certifies that it will provide all the data necessary for the SEA to verify the information as reported in Section 121a.111.

NOTE: SEA may specify records to be kept or might require LEA to cite records kept at the local level.

121 a. 114. Individual Education Program (IEP)

The XYZ School District will develop IEP's for each child receiving special education and related services. The policies and procedures for developing, implementing, reviewing, maintaining and evaluating the IEP's are as follows:

Placement Committee. The placement committee has the responsibility for developing, implementing, reviewing, maintaining and evaluating each IEP. This committee will consist of: 1) A representative of the XYZ School District, other than the classroom teacher, who is qualified to supervise special education programs (director of special education, school psychologist, curriculum director). This individual will serve as the committee chairperson. 2) The child's classroom teachers, representing both regular (where appropriate) and special education). 3) At least one parent of the child; the parents will have a fair opportunity to attend the meeting, at a mutually agreed upon time. The committee may meet without the parents; if there is documentation of all telephone calls to the parents, copies of correspondence, and records of visits to the parents' home and place of employment. In all cases where there is a possible communication barrier (deafness, native language other than English) with the parent, the XYZ School District will provide an interpretor for the parents. 4) Where appropriate, the child will be included on the placement committee. 5) Others, at the discretion of the above committee members, may be invited to serve on the committee when appropriate.

Timing of Committee Activities. The placement committee will develop IEP's for each child by the beginning of each school year. For newly identified handicapped children, an IEP will be developed within thirty (30) days of identification. The committee will review each IEP at least annually. The responsibility for calling all planning committee meetings will be that of the chairperson.

Contents of IEP

1. Present level of functioning in the areas of academic skills, social skills, prevocational and vocational skills, psychomotor skills and self-help skills. The assessment tools used to obtain this information will be kept on file.
2. Annual goal statements for the child will be recorded.
3. For each goal statement there will be a list of short range objective statements.
4. A list of specific educational services needed for the child (This will be done without regard to the availability of such services).
   A. All required special education services will be listed.
   B. All other required related services will be listed.
   C. The type of physical education program will be listed.
   D. All special media and materials will be listed.
5. The dates these services will begin, and the length of time these services will be provided will be listed.
6. All examples of the child's participation in regular education programs will be noted.
7. The committee will provide a justification for the specific educational placement, especially noting generally accepted educational placements for children of similar diagnostic and performance levels.
8. All individuals will be listed who are responsible for implementing the prescribed program.
9. The committee will develop a timetable for evaluating the appropriateness of the IEP on a regular basis, but at least an annual evaluation will be conducted.

Evaluation Criteria. The planning committee will evaluate each aspect of the IEP in accordance with standard educational procedures in practice throughout the nation.

121 a. 115. Local policies consistent with statute.

The XYZ School District hereby certifies that all policies and programs administered within the school district are consistent with Sections 612 (1) - (7) and Section 613(A) of P.L. 94-142 and is in full compliance with state and local laws as per WAC 392-171-225.

Sample Form #14

121a.117 Use of Part B Funds

The XYZ School District will use the Part B funds acquired during FY 1978 to provide a full educational opportunity and a free appropriate public education to handicapped children. In keeping with the district's priorities of serving unserved eligible handicapped persons first and serving underserved severely handicapped children within each disability category as a second priority, it is planned that XYZ School District will adhere to the timetables outlined under Item 121a.102 and 121a.103 of this proposal. Part B funds will be used to hire two physical therapists, a physical education teacher and 3 teacher aides for severely handicapped. Depending on funding levels, other ancillary personnel and teacher aides will be added. If however, newly identified school age children are located in the school district, and evaluated as eligible for special education and related services, these funds will be used to provide a free appropriate public education to said children.

NOTE: SEA may desire to request budget figures.